



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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December 3, 1993

TO: James W. Carter, Director

FROM: Thomas A. Mitchell, Assistant Attorney General 

RE: Permit Amendment and Surety Estimate Adjustment, Uintah County
Asphalt Mine, M/047/022/ Uintah County, Utah

Bill Richards and I have reviewed the material contained with your request to review the November 4, 1993 request for advice from Tony Gallegos concerning the above referenced matter. The material provided us does not make clear as to whether or not a Board contract was ever entered into. However, it appears that the then chairman Williams' letter, dated July 19, 1989, represents an agreement on the part of the Board and the Commissioner to punt on a formal bond. In either case, we would recommend that the Board not require a formal bond with the county, but that the amendment that is returned to the county reflect the revised reclamation costs and that, as a pro forma matter, a Board Agreement be attached for execution. If the Board Agreement is executed, so much the better. If it isn't, the Division may always review this matter with the Board.

Our concern is that in the absence of a written agreement between the county and the Board to reclaim, based upon the reclamation plan, numerous defenses may be available to the county, which at this time I see no reason to provide them with.

lsj
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